

## REMARKS

Claims 28, 32, 41, 43, and 53-79 are pending, with claims 28, 32, 41, 43, 53, 55, 57, and 68 being in independent form. By this amendment, claims 28, 41, 43, 53, 57 and 68 are amended without adding new matter.

Applicants acknowledge with appreciation the Examiner's indication that claims 32, 55 and 56 are allowable (paragraph 12 of the final Office Action), and the indication that claims 66, 67, 78 and 79 contain allowable subject matter (paragraph 13 of the final Office Action).

In paragraph 4, page 2 of the final Office Action, claims 68-79 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner finds insufficient antecedent basis for "said control element" recited in claim 68. In response, claim 68 is amended to overcome the rejection. Withdrawal of the rejection is respectfully requested.

In paragraph 6, page 3 of the final Office Action, claims 28, 53, 54, 57, 58 and 61-64 stand rejected as being anticipated by U.S. Patent No. 6,049,328 (Vanderheiden). In paragraph 8, page 5 of the final Office Action, claims 41 and 43 stand rejected as being anticipated by U.S. Patent No. 5,374,924 (McKiel, Jr.). In paragraph 10, page 7 of the final Office Action, claims 59, 60, 65 and 68-77 stand rejected as being unpatentable over the Vanderheiden patent in view of the McKiel, Jr. patent. These rejections are respectfully traversed.

Applicants have disclosed a method for providing sound effects in which, among other disclosed features, an output characteristic of a sound effect can be varied using a data structure which includes variable [parameters] associated with at least one of gain, delay and pitch of an identified sound (e.g., page 8, and

specifically at lines 18-28). This means that an identified sound, for example, a single recorded sound, can be tweaked using a variable parameter, to produce a variety of sound effects. Accordingly, a common identified sound can be varied to produce different sound effects for different state transitions by varying one or more of these output parameters (page 8, lines 24-26). Advantageously, small adjustments in a recorded sound effect can be made without actually re-recording the effect (page 8, lines 26-28).

### **The Vanderheiden patent**

Claim 28 recites, among other features, a first sound segment, a second sound segment and a third sound segment associated with a transition between display states of a graphical user interface, and at least one data structure including a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary the produced sound effect; claim 53 recites, among other features, identifying a sound effect using a state table, said sound effect being associated with a transition from a first display state to a second display state, and varying an output characteristic of said sound effect using a data structure which includes a variable parameter associated with at least one of gain, delay and pitch of the identified sound effect to vary the output characteristic; claim 57 recites, among other features, producing a plurality of sound segments that are each associated with a transition between display states resulting from an object's movement on a graphical user interface, the plurality of sound segments using at least one data structure which includes a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary at least one of the sound segments; and claim 68 recites, among other features, a processor for controlling the speaker

to produce a sound effect in response to movement of the object from the first display position, the sound effect having a plurality of sound segments that are each associated with a transition between display states resulting from an object's movement on a graphical user interface, the plurality of sound segments using at least one data structure which includes a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary at least one of the sound segments. The Vanderheiden patent does not teach or suggest at least these claimed features.

The Vanderheiden patent discloses that a second audio ridge signal 78 may be generated, preferably having different characteristics than the audio ridge signal 76 so as to allow the user to discern the entry from the exits of a button (col. 7, line 65 through col. 8, line 2). However, the Vanderheiden patent does not teach or suggest a common identified sound being varied to produce different sound effects for different state transitions by varying one or more of variable output parameters. Rather, the Vanderheiden patent merely discloses that the audio ridge signal 76 may be a slightly higher pitched tone (col. 8, lines 2-9). Accordingly, the Vanderheiden patent does not teach or suggest a data structure including a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary the produced sound effect as recited in claim 28, and as similarly recited in claims 53, 57 and 68.

The McKiel, Jr. patent does not cure the deficiencies of the Vanderheiden patent. The McKiel, Jr. patent was applied for a shifting audio sound effect (col. 2, lines 30-36; col. 3, lines 62-68), but the McKiel, Jr. patent does not teach or suggest producing a sound effect in response to movement of an object from a first display

position, the sound effect having a plurality of sound segments that are each associated with a transition between display states resulting from an object's movement on a graphical user interface, the plurality of sound segments using at least one data structure which includes a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary at least one of the sound segments, as recited in claims 57 and 68.

Thus, independent claims 28, 53, 57 and 68 are allowable. Claim 54 depends from independent claim 53; claims 58-65 depend from claim 57; and claims 69-77 depend from claim 68 and recite further advantageous features which further distinguish over the document relied upon by the Examiner.

#### **The McKiel, Jr. Patent**

Claims 41 and 43 recite, among other features, a processor for controlling a speaker to produce a sound effect in response to movement of an object from a first display position using a data structure which includes a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary the produced sound effect. The McKiel, Jr. patent does not teach or suggest at least these claimed features.

On page 11 of the final Office Action, the Examiner relies on col. 4, lines 8-10 of the McKiel, Jr. patent, which recites "[a]s the user moves pointer 27 vertically or in the top/bottom axis of window 11, the pitch or frequency of the tone varies in stepwise fashion, as depicted by the scale 31 displayed along the left hand margin of window 11." However, the disclosed pitch or frequency of the tone varying in stepwise fashion with the pointer 27 movement does not teach or suggest a common identified sound being varied to produce different sound effects for different state

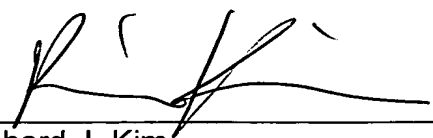
transitions by varying one or more of variable output parameters. The McKiel, Jr. patent does not teach or suggest a data structure which includes a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary the produced sound effect, as recited in claims 41 and 43. Thus, independent claims 41 and 43 are allowable.

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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